

# TECHNICAL MEMORANDUM

## Utah Coal Regulatory Program

June 24, 2005

TO: Internal File

THRU: Pamela Grubaugh-Littig, Permit Supervisor, Task Manager  
Priscilla W. Burton, Environmental Specialist III/Soils, Team Lead

FROM: Jerriann Ernstsens, Ph.D., Environmental Specialist/Biologist

RE: Division Order-Design Drawings and Specifications, Andalex Resources, Inc.,  
Wildcat Loadout, C/007/033, Task ID #2182

### **SUMMARY**

The Division received a response to the Division Order (DO-04) for the Wildcat Loadout on March 15, 2005. This memo considers the biological aspects and concerns to the information submitted by the Permittee.

### **TECHNICAL ANALYSIS:**

## **GENERAL CONTENTS**

### **PERMIT APPLICATION FORMAT AND CONTENTS**

Regulatory Reference: 30 CFR 777.11; R645-301-120.

#### **Analysis:**

The submittal does not meet R645-301-121 because there is information that is not clear.

The Permittee stated (Sec. R645-301-423.200, p. 4-9) that "the problem of coal fine accumulation on, and round, this area has been addressed". The Division considers that the problem has not been addressed, hence the DO.

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### Findings:

Information provided in the plan does not meet the minimum Permit Application Format and Contents in General Contents requirements of the regulations. Prior to approval, the Permittee must act in accordance with the following:

**R645-301-526.220 *et seq* and R645-303-220 and R645-301-121.100**, The Permittee must clarify this statement on p. 4-9 that "the problem of coal fine accumulation on, and around, this area has been addressed," such that the Permittee does not present the problem as past tense.

## ENVIRONMENTAL RESOURCE INFORMATION

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR 783., et. al.

### GENERAL[sm:]1]

Regulatory Reference: 30 CFR 783.12; R645-301-411, -301-521, -301-721.

### Analysis:

The Permittee did not meet the requirements of the Division Order because there is insufficient or unsuitable information of how the Permittee intends to control wind blown coal fines, remove coal fines, or monitor coal fine deposition.

The Permittee submitted a plan to remove accumulated coal fines within the permit area by vacuuming the surface. This technique, although commonly used in the past, is no longer acceptable to the Division. Vacuuming tends to re-deposit dust, disturb native soil surfaces, and impact local vegetation. The Permittee must provide a clean-up solution that will minimize dust and disturbance (R645-301-331, R645-301-333).

If the coal fine depositions were not frozen, perhaps the Division would reconsider vacuuming during winter months. The Division would oversee the project and cease vacuuming operations if the winter clean-up process did not limit impacts. The Permittee and Division would have to consider the following: what is the extent of area to vacuum, how to reach that area from existing roads, and how to minimize impact from staff and equipment to the soil and vegetation.

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The Permittee provides a list of measures used to limit coal dust. The Division is interested in knowing whether the Permittee has quantified the effectiveness of these measures over the years. The measure of effectiveness would help support the Permittee's statement that the "source" (Sec. R645-301-423.200, p. 4-10) of coal fine deposition is unknown.

The submittal includes a response to DO-04 from Patrick Collins (App. P). The consultant's and Division's interpretations of the supporting manuscripts concerning the impact of coal fines to vegetation are mute points. The primary point that all parties must focus on is that coal fines should not accumulate off the permit area. The Permittee must provide measures that will protect the area from further deposition.

Item #3 of DO\_04 states. "The Mining and Reclamation Plan must address include a plan for monitoring of coal fine deposition outside the permit area, specifically east of the permit boundary (since the prevailing winds are from west to east)." To adequately respond to DO\_04, the Division requests that the Permittee provide baseline data of coal fine deposition (depth and area) on the non-permit area and provide a monitoring schedule. The Permittee must use the same monitoring method used to collect baseline. The Division considers the methods described in the Collins 2003 report as appropriate. Furthermore, the Division requests that the Permittee provide a report in the Annual Report that clearly defines the methods used for baseline and monitoring as well as discusses the results. (R645-301-322.100, R645-301-331, R645-301-333).

The Permittee and Mr. Collins discuss the possibility of increasing the acreage of the disturbed area or studying the impacts of coal fines to vegetation and wildlife. These measures are not acceptable or appropriate practices to control wind blown coal fines, remove coal fines, or monitor coal fine deposition as requested in the DO.

### **Findings:**

Information provided in the plan does not meet the minimum Environmental - General Information requirements of the regulations. Prior to approval, the Permittee must act in accordance with the following:

**R645-301-526.220 et seq and R645-303-220 and R645-301-331, R645-301-333,** The Permittee submitted a plan to remove accumulated coal fines within the permit area by vacuuming the surface. This technique, although commonly used in the past, is no longer acceptable to the Division. Vacuuming tends to re-deposit dust, disturb native soil surfaces, and impact local vegetation. The Permittee must provide a clean-up solution that will minimize re-distribution of dust and disturbance to the native soil and local plants.

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**R645-301-526.220 *et seq* and R645-303-220 and R645-301-322.100, R645-301-331, R645-301-333**, The submittal includes a response to DO from Patrick Collins (App. P). The primary point that the Permittee must focus on is that coal fines should not accumulate off the permit area. The Permittee must provide measures that will protect the area from further deposition. To adequately respond to item #3 of the Division Order, the Division requests that the Permittee provide baseline data of coal fine deposition (depth and area) on the non-permit area and provide a monitoring schedule. The Permittee must use the same monitoring method used to collect baseline. The Division considers the methods described in the Collins 2003 report as appropriate. Furthermore, the Division requests that the Permittee provide a report in the Annual Report that clearly defines the methods used for baseline and monitoring as well as discusses the results.

**RECOMMENDATIONS:**

Do not approve the submittal until all deficiencies have been addressed.